

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WENDELL BROWN,

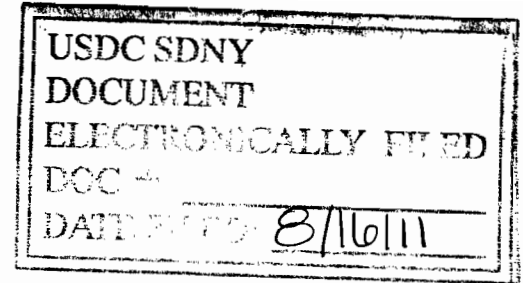
Petitioner,

v.

THE STATE OF NEW YORK SUPREME COURT

Respondent.  
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**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**



10-cv-07728 (BSJ)


**Order**

After having reviewed Magistrate Judge Gorenstein's Report and Recommendation dated July 7, 2011, and having received no objections thereto, I hereby confirm and adopt the Report in its entirety, having been satisfied that there is no clear error on the face of the record. See King v. Greiner, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at \*4 (S.D.N.Y. July 8, 2009) (citation omitted); see also Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). Accordingly, Brown's petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DENIED.

Brown's failure to file written objections precludes appellate review of this decision. See Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008).

Because Brown has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see United States v. Perez, 129 F.3d 255, 260 (2d Cir. 1997). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of the Court is directed to close the case.

**SO ORDERED:**

  
**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Dated: New York, New York  
August 16, 2011